

CATHERINE CORTEZ MASTO
 Attorney General
 KEVIN BENSON
 Senior Deputy Attorney General
 Nevada Bar No. 9970
 Attorney General's Office
 100 North Carson Street
 Carson City, Nevada 89701-4717
 (775) 684-1114
 Attorneys for Ross Miller, Secretary
 of State and Michael J. Willden, Director
 of the Department of Health and Human
 Services

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

NATIONAL COUNCIL OF LA RAZA, LAS
 VEGAS BRANCH OF THE NAACP
 (BRANCH 1111), and RENO-SPARKS
 BRANCH OF THE NAACP (BRANCH
 1112),

Plaintiffs,

vs.

ROSS MILLER, in his official capacity as
 Secretary of State of the State of Nevada;
 and MICHAEL WILLDEN, in his official
 capacity as Director of the Department of
 Health & Human Services of the State of
 Nevada,

Defendants.

CASE NO. 3:12-cv-00316-RCJ-VPC

DEFENDANTS' ANSWER TO COMPLAINT

Defendant Ross Miller, Secretary of State, by and through counsel Catherine Cortez
 Masto, Attorney General, and Kevin Benson, Senior Deputy Attorney General, Answers
 Plaintiffs' Complaint (#1) as follows:

JURISDICTION AND VENUE

1. Admit.
2. Deny.
3. Admit.
4. Admit.

1 5. Admit.

2 6. Deny.

3 INTRODUCTION

4 7. The Secretary lacks knowledge or information sufficient to form a belief as to the
5 truth of these allegations, and on that basis denies them.

6 8. The Secretary lacks knowledge or information sufficient to form a belief as to the
7 truth of these allegations, and on that basis denies them.

8 9. Admit.

9 10. Deny.

10 11. Deny.

11 12. Deny.

12 13. Deny.

13 14. Deny.

14 15. Deny.

15 16. The Secretary lacks knowledge or information sufficient to form a belief as to the
16 truth of these allegations, and on that basis denies them.

17 PARTIES

18 17. The Secretary lacks knowledge or information sufficient to form a belief as to the
19 truth of these allegations, and on that basis denies them.

20 18. The Secretary lacks knowledge or information sufficient to form a belief as to the
21 truth of these allegations, and on that basis denies them.

22 19. The Secretary lacks knowledge or information sufficient to form a belief as to the
23 truth of these allegations, and on that basis denies them.

24 20. Admit.

25 21. Deny that WIC is a public assistance agency under Nevada law, but admit that it
26 does provide voter registration services. Admit the balance of the allegations.

27 ///

28 ///

FACTUAL ALLEGATIONS

National Voter Registration Act of 1993

22. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

23. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

24. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

25. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

26. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

27. The Secretary lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and on that basis denies them.

28. Admit.

29. Admit.

Nevada Voter Registration Statutes & Regulations

30. Admit.

31. Admit.

32. Admit.

33. Admit that the regulation so reads in part. As to the balance of the allegations, the regulations speak for themselves.

34. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

35. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

36. Admit that the statute so reads in part. As to the balance of the allegations, the statutes speak for themselves.

1 37. Admit that the statute so reads in part. As to the balance of the allegations, the
2 statutes speak for themselves.

3 38. Admit that the statute so reads in part. As to the balance of the allegations, the
4 statutes speak for themselves.

5 Failure to Offer Voter Registration Opportunities to Public Assistance Agency Clients

6 39. Admit.

7 40. Admit that the Secretary of State is the chief elections officer. The Secretary
8 lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and
9 on that basis denies them.

10 41. Deny that WIC is a public assistance program under Nevada law. Deny that it is
11 exclusively operated through Health Division offices. Deny that Defendant Willden has general
12 oversight for every office at which WIC services are provided. Deny that WIC is operated
13 through every local office of the various divisions of DHHS. Admit the balance of the
14 allegations.

15 42. Deny.

16 43. Deny.

17 44. Deny.

18 45. Admit that Demos contacted the Secretary of State's office in 2008. Admit that
19 the Secretary issued policies and guidance for voter registration in 2009 which included
20 policies for training, designating NVRA coordinators, etc. Deny the balance of the allegations.

21 46. The Secretary lacks knowledge or information sufficient to form a belief as to the
22 truth of these allegations, and on that basis denies them. Deny that public assistance
23 agencies regularly fail to offer voter registration.

24 47. Admit that a letter dated May 10, 2012 was sent to the Secretary of State which
25 stated, among other things, that Plaintiffs would commence litigation if Nevada did not
26 produce a plan to remedy alleged violations of the NVRA within 20 days. Deny the balance of
27 the allegations.

28 48. Admit that the Secretary of State's office sought an extension of time to respond

1 to the May 10, 2012 letter. Admit that Plaintiffs responded that they would agree to an
2 extension, but only upon certain conditions including but not limited to those stated in this
3 paragraph of the complaint. Admit that the Secretary of State's office indicated on June 5,
4 2012 that it would not meet those conditions. Deny that it was possible to meet those
5 conditions. Deny the balance of the allegations.

6 Harm to NCLR's Voter Registration Efforts

7 49. The Secretary lacks knowledge or information sufficient to form a belief as to the
8 truth of these allegations, and on that basis denies them.

9 50. The Secretary lacks knowledge or information sufficient to form a belief as to the
10 truth of these allegations, and on that basis denies them.

11 51. Deny.

12 Harm to Las Vegas NAACP's Voter Registration Efforts and its Members

13 52. The Secretary lacks knowledge or information sufficient to form a belief as to the
14 truth of these allegations, and on that basis denies them.

15 53. The Secretary lacks knowledge or information sufficient to form a belief as to the
16 truth of these allegations, and on that basis denies them.

17 54. Deny.

18 Harm to Reno-Sparks NAACP's Voter Registration Efforts and its Members

19 55. The Secretary lacks knowledge or information sufficient to form a belief as to the
20 truth of these allegations, and on that basis denies them.

21 56. The Secretary lacks knowledge or information sufficient to form a belief as to the
22 truth of these allegations, and on that basis denies them.

23 57. Deny.

24 Claims for Relief – Violation of Section 7 of the National Voter Registration Act of 1993

25 58. The Secretary repeats and incorporates all previous responses as if fully set
26 forth herein.

27 59. Deny.

28 60. Deny.

1 Any allegations in the Complaint that were not specifically answered above are hereby
2 denied.

3 **AFFIRMATIVE DEFENSES**

- 4 1. The Secretary is entitled to immunity as a matter of law;
5 2. The Secretary's actions are not the cause in fact of any of Plaintiffs' alleged
6 deprivations;
7 3. The Plaintiffs lack standing to sue;
8 4. All possible affirmative defenses may not have been alleged pending the
9 development of sufficient facts after reasonable inquiry; the Secretary therefore reserves the
10 right to amend this Answer to allege additional affirmative defenses if warranted by
11 subsequent investigation.


12 **PRAYER FOR RELIEF**

13 WHEREFORE, the Secretary of State prays that:

- 14 1. Plaintiffs take nothing by way of their Complaint;
15 2. The Court award Defendant his costs and attorneys fees;
16 3. The Court award any other relief that it deems just.

17 DATED this 3rd day of July, 2012.

18 CATHERINE CORTEZ MASTO
19 Attorney General

20 By: 
21 KEVIN BENSON
22 Senior Deputy Attorney General
23 Bar No. 9970
24 Attorney General's Office
25 100 North Carson Street
26 Carson City, Nevada 89701-4717
27 Attorneys for Defendants
28 ROSS MILLER, Secretary of State
and MICHAEL J. WILLDEN, Director
of the Department of Health and
Human Services

CERTIFICATE OF SERVICE

I declare that I am an employee of the State of Nevada and on this 3rd day of July, 2012, I served a copy of the foregoing Defendants' Answer to Complaint, by U.S. District Court CM/ECF Electronic filing to:

W. Chris Wicker, Esq.
Woodburn and Wedge
Post Office Box 2311
Reno, Nevada 89511
Email: cwicker@woodburnandwedge.com

I further declare that I am an employee of the State of Nevada and on this 3rd day of July, 2012, I served a copy of the foregoing Defendants' Answer to Complaint, by mailing the foregoing document via United States Postal Service to the following:

Anson Asaka
National Association for the Advancement of Colored People
NAACP National Office
4805 Mount Hope Drive
Baltimore, MD 21215

Sarah Brannon
Project Vote
1350 Eye Street, NW
Ste 1250
Washington DC, 20005

Jamie Halavais
Dechert LLP
1095 Avenue of the Americas
New York, NY 10036

Kim Keenan
National Association for the Advancement of Colored People,
NAACP National Office
4805 Mount Hope Drive
Baltimore, MD 21215

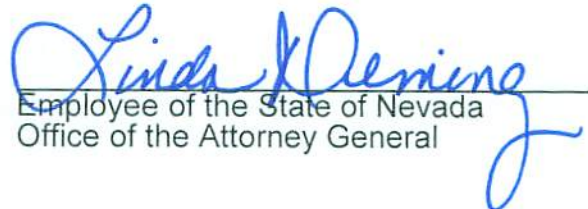
Bob Kengle
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue, NW
Ste 400
Washington DC, 20005

1 Alan Martinson
2 Lawyers' Committee for Civil Rights Under Law
3 1401 New York Avenue NW
4 Ste 400
5 Washington DC, 20005

6 David Rubino
7 Demos
8 220 Fifth Avenue
9 2d Floor
10 New York, NY 10001

11 Michelle Rupp
12 Project Vote
13 1350 Eye Street, NW
14 Ste 1250
15 Washington DC, 20005

16 Neil Steiner
17 Dechert LLP
18 1095 Avenue of the Americas
19 New York, NY 10036

20
21
22
23
24
25
26
27
28

Employee of the State of Nevada
Office of the Attorney General